

FILED

MAY 17 2018

CLERK, U.S. BANKRUPTCY COURT
WEST DIST. OF PENNSYLVANIA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	Bankruptcy No. 15-21253-GLT
)	
Joseph Cellurale, Jr.)	Chapter 7
)	
Debtor)	Docket No.
)	<i>Related to Dkt. No. 118</i>
Robert H. Slone, Trustee)	
)	
Movant)	Hearing Date: 5/17/2018 @ 10:00 a.m.
)	Courtroom A—Pittsburgh
vs.)	
)	
Joseph Cellurale, Jr., Centra Bank-Smithfield,)	
Keystone Turf Products, Barclays Bank Delaware,)	
Cerastes LLC, Capital One, Calvary SPV I, LLC,)	
Chase Card, Citibank N.A., Citibank/The Home)	
Depot, Harrell's LLC, U.S. Department of the)	
Treasury-Internal Revenue Service, JP Morgan)	
Chase Bank, Ogden Directions Inc., Pennsylvania)	
Department of Revenue-Bureau of Individual)	
Taxes, United Bank, AVP Commercial Lending,)	
Terry Kriss, Diane Kriss, Fayette County Office)	
of Planning, Zoning & Community Development,)	
Timothy Beachy, Route 51 Auto & Truck Parts,)	
PNC Bank formerly National City Bank, Fayette)	
County Tax Claim Bureau, Keystone Turf Products,)	
Pennsylvania Department of Revenue-Bureau)	
of Compliance,)	
Respondents)	

ORDER GRANTING MOTION FOR SALE OF REAL ESTATE
LOCATED IN DUNBAR TOWNSHIP, FAYETTE COUNTY, PA,
TAX PARCEL NOS. 09-31-0043-01 AND 09-31-0036
FREE AND CLEAR OF LIENS, CLAIMS, ENCUMBRANCES AND INTERESTS

AND NOW, on consideration of the Trustee's Motion to Sell Tax Parcel Nos. 09-31-0043-01 and 09-31-0036 located in Dunbar Township, Fayette County, Pennsylvania, Free and Clear of Liens, and after holding a hearing thereon, it is ORDERED, ADJUDGED AND DECREED as follows:

1. This Order regards the real property owned by the Debtor, Joseph Cellurale, Jr. described in Exhibit "A" to the Trustee's Motion known as Tax Parcel Nos. 09-31-0043-01 and 09-31-0036 (the "Property"). Exhibit "A" contains the legal descriptions for the Property.

2. That sufficient general notice of the hearing and sale was given to the creditors and parties in interest by the moving party as shown by the certificate of service duly filed and the named parties were duly served with the motion on the 11th day of April 2018.
3. That the sale hearing was duly advertised in the Herald Standard on 4/30/18 2018, and in the Fayette County Legal Journal on 5/4/18 2018, shown by the Proofs of Publication duly filed.
4. That the price of \$ 230,000 offered by Celtic Holdings, LLC was a full and fair price for the property in question.
5. That at the sale hearing, the highest/best offer received was that of the above Purchaser and no objections to the sale were made which would result in cancellation of the sale.
6. That the Purchaser has acted in good faith with respect to the within sale in accordance with *In re Abotts Diaries of Pennsylvania, Inc.* 788 F2d. 143 (3d Cir. 1986).
7. The Trustee is authorized to execute the necessary special warranty deed and other documents required to transfer title of the real property purchased upon compliance with the terms of the sale.
8. In the event that the Purchaser is unable or unwilling to close, the Trustee is hereby authorized (but not required) to sell said property to the next highest bidder, and so on, in order to liquidate the property for the benefit of the bankruptcy estate.

IT IS ORDERED that the sale of the Property is confirmed to the successful purchaser and for the amount set forth above.

FURTHER ORDERED that the Trustee execute a special warranty deed to the above described property, "AS-IS, WHERE IS", Free and Clear of all Liens and Encumbrances with Buyer and Seller equally paying transfer taxes; Trustee and Buyer prorating as of the date of closing on a fiscal year basis all unpaid real estate taxes for the calendar years prior to the year of closing, all municipal liens and assessments; and Buyer paying to record the deed and all other costs of closing.

FURTHER ORDERED that the above recited liens be, and they hereby are, transferred to the proceeds of the sale, if and to the extent that they may be determined to be valid liens against the sold property, and that the within decreed sale will be free, clear and divested of all liens; and that after due notice to the lien creditors, and no objection on their parts having been made, the costs of sale and the within bankruptcy proceedings be paid in advance of any distribution to said lien creditors.

FURTHER ORDERED that upon payments of the purchase price and disbursements thereof by the Trustee in accordance with this Order, the real property shall be divested of, and transferred to the Buyer free and clear of all liens and encumbrances. Accordingly, the Trustee is authorized and directed to disburse the proceeds of sale, at closing, to pay as necessary any real estate taxes and municipal liens; real estate commission of 6.0% as previously approved in the order approving the engagement of the realtor for the estate; advertising and service costs; and other costs of sale. This Order authorizes and

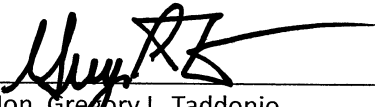
directs the settlement officer to turn over all other closing proceeds to the Trustee, who will disburse to lien holders.

FURTHER ORDERED that the Movant shall serve a copy of the within Order on each Respondent (i.e. each party against whom relief is sought) and its attorneys of record, if any, upon any attorney or party who answered the Motion or appeared at the hearing, the attorney for the Debtor, the purchaser, and the attorney for the purchaser, if any, and file a certificate of service.

FURTHER ORDERED that the closing shall occur within thirty (30) days of this Order and the Movant shall file a report of sale within seven (7) days following closing.

FURTHER ORDERED that this Confirmation Order survives any dismissal or conversion of the within case.

BY THE COURT:



Hon. Gregory L. Taddonio
United States Bankruptcy Judge

Imaged Certificate of Notice Page 4 of 4

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Joseph Cellurale, Jr.
DebtorCase No. 15-21253-GLT
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: aala
Form ID: pdf900Page 1 of 1
Total Noticed: 1

Date Rcvd: May 17, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 19, 2018.

db +Joseph Cellurale, Jr., 869 North Gallatin Avenue, Extension, Uniontown, PA 15401-2105

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 19, 2018

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 17, 2018 at the address(es) listed below:

Anthony S. Dedola, Jr. on behalf of Creditor Centra Bank - Smithfield
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n.dones@atlanticbnn.net
Corey J. Sacca on behalf of Defendant Joseph Cellurale, Jr. csacca@bononilaw.com,
coreysacca@gmail.com;bankruptcy@bononilaw.com;bononiecmail@gmail.com;r39887@notify.bestcase.com
Corey J. Sacca on behalf of Debtor Joseph Cellurale, Jr. csacca@bononilaw.com,
coreysacca@gmail.com;bankruptcy@bononilaw.com;bononiecmail@gmail.com;r39887@notify.bestcase.com
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diane.brink@dinsmore.com;gabriela.rodriquez@dinsmore.com
Joshua I. Goldman on behalf of Creditor BANK OF AMERICA, N.A. bkgroup@kmlawgroup.com
Keila Estevez on behalf of Creditor Dilks & Knopik, LLC as assignee to Joseph Cellurale, Jr.
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T. Lawrence Palmer on behalf of Creditor T. Lawrence Palmer Office of Attorney General,
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TOTAL: 16